

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

FILED

MAR 27 2019

CLERK, U.S. DISTRICT CLERK  
WESTERN DISTRICT OF TEXAS  
BY  DEPUTY

TEXAS LEAGUE OF UNITED LATIN )  
AMERICAN CITIZENS, ET AL., )

Plaintiffs, )

V. )

CIVIL ACTION NO. SA-19-CA-074-FB

DAVID WHITLEY, in his Official Capacity )  
as Secretary of State for the State of Texas; )  
ET AL., )

Defendants. )

**ORDER GRANTING MOTION TO DISMISS AS TO DEFENDANT PAXTON**

Before the Court is Defendants' Motion to Dismiss Under Rules 12(b)(1) and 12(b)(6) filed by defendants David Whitley and Ken Paxton. (Docket no. 20). As the Court noted in its original Order, the Attorney General is only being sued for making an alleged intimidating press release. *See* (Docket no. 61 at page 3). Politicians have been making threatening statements since the early days of the Republic exercising their First Amendment rights. Accordingly, the motion to dismiss (docket no. 20) is GRANTED as to defendant Paxton.

It is so ORDERED.

SIGNED this 27<sup>th</sup> day of March, 2019.

  
FRED BIERY  
UNITED STATES DISTRICT JUDGE